

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :
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-v- : 20-CR-072 (JMF)
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ROBERT BERRY, : ORDER
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Defendant. :
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JESSE M. FURMAN, United States District Judge:

Unless and until the Court orders otherwise, the parties shall appear for a remote change-of-plea proceeding on **November 18, 2020**, at **10:00 a.m.** The Court will issue an Order with details regarding how to access the proceeding a few days before it.

That said, in light of the ever-evolving public health situation, counsel shall promptly confer with one another (and, in defense counsel's case, with Defendant as well) and, no later than **October 14, 2020**, file a letter indicating whether the parties would prefer to defer the plea for approximately 100 days and hold a combined change-of-plea and sentencing proceeding. (In that event, the Court would order a Presentence Report in advance of the plea and Defendant would have to consent in writing to pre-plea disclosure of the Presentence Report, in accordance with Rule 32(e) of the Federal Rules of Criminal Procedure.) If the parties favor that approach, the Court will adjourn the change-of-plea proceeding to an appropriate date and provide additional guidance, as appropriate.

On consent, the Court excludes time under the Speedy Trial Act between today and November 18, 2020, finding that the ends of justice served by excluding that time outweigh the interests of the public and Defendant in a speedy trial because it will enable counsel and Defendant to communicate regarding whether and when Defendant should change his plea.

The Clerk of Court is directed to terminate ECF No. 31.

SO ORDERED.

Dated: October 7, 2020
New York, New York



JESSE M. FURMAN
United States District Judge